

COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity)		Docket No. #21 Y-163
In Re Application Of: Tomihisa KAMADA et al		
Serial No. 09/319,649	Filing Date 06/10/99	Examiner H. V. Tran
Group Art Unit 2611		
Invention: METHOD AND DEVICE FOR OBTAINING AUDIENCE DATA ON TV PROGRAMS		
<u>TO THE COMMISSIONER FOR PATENTS:</u>		
This is a combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of <u>July 16, 2003</u> in the above-identified application.		
Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated <u>July 16, 2003</u> finally rejecting Claim(s)		
Applicant(s) hereby request(s) an extension of time of (check desired time period): <input type="checkbox"/> One month <input type="checkbox"/> Two months <input checked="" type="checkbox"/> Three months <input type="checkbox"/> Four months <input type="checkbox"/> Five months		
from: <u>Oct. 16, 2003</u> until: <u>Jan. 16, 2004</u> <div style="text-align: center;"><small>Date Date</small></div>		
The fee for the Notice of Appeal and Extension of Time has been calculated as shown below: <div style="text-align: right; margin-right: 50px;">Fee for Notice of Appeal: \$330.00</div> <div style="text-align: right; margin-right: 50px;">Fee for Extension of Time: \$950.00</div>		
TOTAL FEE FOR NOTICE OF APPEAL AND EXTENSION OF TIME: \$1,280.00		
The fee for the Notice of Appeal and extension of time is to be paid as follows: <input checked="" type="checkbox"/> A check in the amount of <u>\$1,170.00</u> for the Notice of Appeal and extension of time is enclosed. <i>(CARD FORM)</i> <i>(\$116 WAS PREVIOUSLY PAID)</i> <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. _____ <input type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. _____.		

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**COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR
EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity)**Docket No.
Y-163

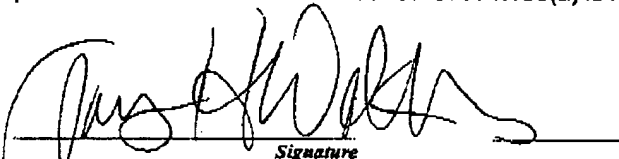
In Re Application Of: Tomihisa KAMADA et al

Serial No.
09/319,649Filing Date
06/10/99Examiner
H. V. TranGroup Art Unit
2611

Invention: METHOD AND DEVICE FOR OBTAINING AUDIENCE DATA ON TV PROGRAMS

TO THE COMMISSIONER FOR PATENTS:

This combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:


Signature

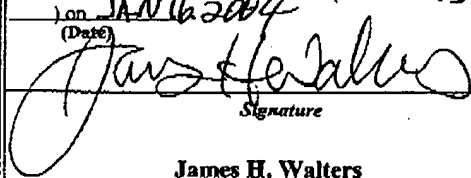
Dated: Jan. 16, 2004

James H. Walters, Reg. No. 35,731
Customer number 802
503-224-0115

Dellett and Walters
310 SW 4th Ave. Ste. 1101
Portland, OR 97204
USA

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In re Application of

Confirmation No.: 3408

Tomihisa KAMADA et al

Art Unit: 2611

S. N. 09/319,649

Examiner: H. V. Tran

Filed: June 10, 1999

For: METHOD AND DEVICE FOR OBTAINING AUDIENCE DATA ON TV
PROGRAMSSUBMISSION OF NOTICE OF APPEAL, REQUESTCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the FINAL office action dated July 16, 2003, for which a three month extension of time is requested to extend the period for response to January 16, 2004, applicant submits herewith a notice of appeal to maintain the application in pending status. Applicant has previously paid for a one month extension of time, so the fee for extension submitted herewith is \$840 (\$950-\$110), and the appeal fee is \$330.

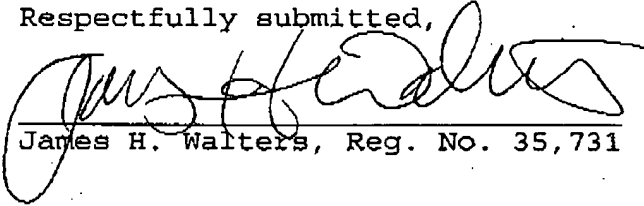
Applicant previously responded to the office action and a supplemental response was made November 1 to address some points raised by the Examiner in a telephone call. It has been over 2 months since the response was filed, yet the supplemental response still has not been scanned to be made available to the Examiner for completion of examination. Applicant believes that the issues raised by the Examiner had been responded to so as to

Appl. No. 09/319,649
Paper dated January 16, 2004
Reply to Office action of July 16, 2003

place the application into allowable form, and if the response were timely provided for the Examiner to review, this notice of appeal and extension would not have been required, which is a great expense. Applicant respectfully requests that this be considered and that the application be allowed and that these fees be refunded, because it is outside the applicant's control that the documents are not being provided to the Examiner, and prior procedures that would have allowed a document to be directly submitted to the Examiner in such a case are not being accepted, so applicant has no way to remedy the situation other than to spend substantial sums in filing a notice of appeal and extension in hope that the documents will be provided to the Examiner before the time for appeal brief arrives.

The Office is asked to contact applicant's attorney at 503-224-0115 if there are any questions. Thank you very much.

Respectfully submitted,

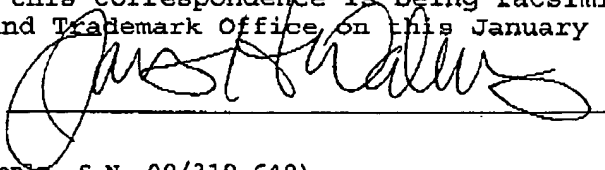


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Page 2 — RESPONSE (U.S. Patent Appln. S.N. 09/319,649)
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FACSIMILE COVER LETTER

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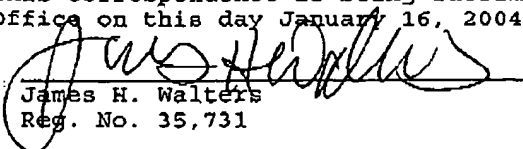
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